

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

ELLA C. SHIPLEY, )  
Plaintiff, )  
v. )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
Defendant. )  
No. 1:07-CV-202  
Lee

## **MEMORANDUM AND ORDER**

Before the Court are the motion of Plaintiff for summary judgment [Doc. 10] and the motion of Defendant for summary judgment [Doc. 12] in this action brought by the Plaintiff under 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the final decision of the Defendant denying the Plaintiff a period of disability and disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 416, 423. On August 5, 2008, the undersigned magistrate judge issued a report and recommendation that: (1) Plaintiff's motion for summary judgment be **DENIED**; (2) Defendant's motion for summary judgment be **GRANTED**; (3) the decision of Defendant be **AFFIRMED**; and (4) this action be **DISMISSED** [Doc. 16].

That same day, August 5, 2008, a notice, consent and order of reference signed by the parties pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 73 was entered by the Court [Doc. 17].<sup>1</sup> Accordingly, the report and recommendation [Doc. 16] is hereby **ADOPTED** as the final order of the Court in this matter as of this date. Therefore, based upon the facts, analysis and conclusions

<sup>1</sup> Although the notice, consent and order of reference was not entered by the Court until August 5, 2008, counsel for the Plaintiff signed the consent on July 30, 2008 and counsel for the Defendant signed it on August 1, 2008.

set forth in the report and recommendation, which is incorporated herein, it is **ORDERED**:

- (1) Plaintiff's motion for summary judgment [Doc. 10] is **DENIED**;
- (2) Defendant's motion for summary judgment [Doc. 12] is **GRANTED**;
- (3) The decision of the Defendant denying benefits to the Plaintiff is **AFFIRMED**; and
- (4) This action is **DISMISSED**.

A separate judgment will enter.

SO ORDERED.

ENTER

*s/Susan K. Lee*  
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SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE